

Wisconsin Department of Corrections Prison Rape Elimination Act 2017 Annual Report



DIVISION OF ADULT INSTITUTIONS
DIVISION OF JUVENILE CORRECTIONS



April 2019

Office of the Secretary
PREA Office

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State of Wisconsin
Department of Corrections

WISCONSIN DEPARTMENT OF CORRECTIONS

PREA: 2017 Annual Report

Division of Adult Institutions

Division of Juvenile Corrections

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INTRODUCTION

The State of Wisconsin is committed to preventing, detecting and responding to sexual abuse and sexual harassment in confinement. The Wisconsin Department of Corrections (WI DOC or agency) has a zero tolerance policy for sexual abuse and sexual harassment in all of its confinement facilities. This report is an overview of agency and facility aggregated data, achievements, and corrective action as it pertains to the Prison Rape Elimination Act (PREA).

BACKGROUND

The Prison Rape Elimination Act was signed into law in 2003 after unanimous support from Congress. PREA was the first federal law to address sexual abuse in confinement facilities. The federal law created the National Prison Rape Elimination Commission and charged it with developing standards for the elimination of sexual abuse and sexual harassment of inmates and youth in confinement.

The federal PREA standards were published on June 20, 2012, and became effective on August 20, 2012. There are four sets of standards which provide direction for adult prisons and jails, lockups, juvenile facilities, and community confinement facilities. The prisons and jails standards apply to the agency's 36 adult facilities while the juvenile facilities standards apply to the agency's two youth facilities.

PURPOSE

The Prison Rape Elimination Act requires that each agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The agency shall, then, aggregate the incident-based sexual abuse data at least annually and review it in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. In addition to data pertaining to sexual abuse, WI DOC also compiles and publishes data pertaining to sexual harassment allegations.

This report is intended to:

- Identify any problem areas for the agency and facilities;
- Describe corrective action implemented by the agency and facilities;
- Compare the current year's sexual abuse and sexual harassment allegation data and corrective actions to the previous year; and
- Assess facility and agency progress in addressing sexual abuse and sexual harassment in confinement.

DEFINITIONS

CASE DISPOSITIONS

SUBSTANTIATED

An allegation that was investigated and determined to have occurred.

UNSUBSTANTIATED

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

UNFOUNDED

An allegation that was investigated and determined not to have occurred.

SEXUAL ABUSE

OFFENDER¹ ON OFFENDER SEXUAL ABUSE

Sexual abuse of an offender by another offender includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

STAFF, CONTRACTOR OR VOLUNTEER² ON OFFENDER SEXUAL ABUSE

Sexual abuse of an offender by a staff member includes any of the following acts, with or without consent of the offender:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 6) Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1)-(5) of this section;
- 7) Any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; and
- 8) Voyeurism by a staff member.

Voyeurism by a staff member means an invasion of privacy of an offender by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in their cell to perform bodily functions; requiring an offender to expose their buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

SEXUAL HARASSMENT

OFFENDER ON OFFENDER SEXUAL HARASSMENT

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another.

STAFF ON OFFENDER SEXUAL HARASSMENT

Repeated verbal comments or gestures of a sexual nature to an offender by a staff member, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

AGENCY AND FACILITY ACHIEVEMENTS

HISTORICAL

The Wisconsin Department of Corrections has been working to prevent, detect and respond to sexual abuse and sexual harassment in confinement for many years; long before the federal standards became effective. Since 2007, WI DOC has employed a full time PREA Director to coordinate and oversee the agency's implementation and compliance efforts. Additionally, each facility has a designated staff member who, in addition to their regular duties, is assigned as the PREA Compliance Manager and is responsible for the compliance efforts of the facility. Each facility has also designated a staff member who, in addition to their regular duties, is the Victim Services Coordinator. The Victim Services Coordinator is responsible for connecting victims to internal and external emotional support services and monitoring them for retaliation.

Training and technical assistance is fundamental to WI DOC and its PREA Office. For many years, WI DOC has educated staff, contractors and volunteers as well as outside stakeholders, including sexual assault service providers, law enforcement and prosecutors, on PREA and related policy application. The agency provides comprehensive PREA education to inmates and youth, which includes the distribution of a handbook detailing their rights, strategies to stay safe, a description of reporting methods and support resources. Further, WI DOC has encouraged staff members to participate in the National PREA Resource Center Auditor Trainings; the agency has sponsored the attendance of 23 staff members since the training's inception.

The agency has created multiple methods for staff and offenders to report imminent harm and incidents of sexual abuse and sexual harassment; two of those methods include internal and external reporting hotlines. Following a

report of sexual abuse, WI DOC has implemented coordinated response protocols, which includes maintaining evidence preservation kits, developing an integrated allegation and investigation tracking database, and collaborating with outside sexual assault service providers to provide emotional support to victims. All protocols and procedures are consistent with the PREA standards. Each policy is rooted in an effort to prevent, detect and respond to incidents of sexual abuse and sexual harassment and aligns with the agency's zero tolerance mission.

2017 ACHIEVEMENTS

In 2017, Wisconsin Department of Corrections continued to build upon implementation and compliance efforts. After completion of Audit Cycle I, the agency and facilities embarked upon Audit Cycle II with renewed dedication.

Agency accomplishments and corrective action during 2017 include:

- Regularly trained new employees, pre-service staff, youth counselors, agents, investigators and health service staff;
- Added a sexual abuse investigations training track for sergeants;
- Expanded Pre-Service PREA classroom instruction to include an online training module;
- Assigned an online training healthcare module to medical and mental health clinicians upon hire;
- Published bi-annual PREA PAGE newsletters;
- Developed and circulated first responder pocket cards for all staff;
- Began testing the allegation and investigation tracking database (i.e. SINC) in an automated test environment;
- Revised the paper-based risk screening tool for greater clarity and ease of use;
- Implemented a 30-day rescreening process;
- Automated the paper-based adult inmate screening tool and developed corresponding policy;
- Programmed an electronic alert to avoid housing those at risk of being sexually victimized with those at risk of being sexually abusive;
- Transitioned to an automated system of recording inmate education acknowledgments;
- Revised the agency's transgender inmate policy;
- Implemented a system of staff reporter retaliation monitoring;
- Finalized a collaborative memorandum of understanding between the agency and local sexual assault service providers;
- Partnered with Wisconsin Coalition Against Sexual Assault (WCASA) to produce new male inmate, female inmate, and youth education videos (with English and Spanish subtitles);
- Facilitated six regional sexual assault service provider classroom trainings in collaboration with WCASA;
- Hosted a webinar titled "Advocacy in Confinement" with WCASA;
- Continued participation on county-based sexual assault response teams;
- Completed annual Bureau of Justice Statistics Survey of Sexual Victimization;
- Reviewed facility staffing plans, in consultation with PREA Director;
- Established a circular auditing consortium with Maryland, Michigan, and Pennsylvania; and
- Audited 14 PA facilities and, in exchange, MA and MI audited 18 WI DOC facilities.

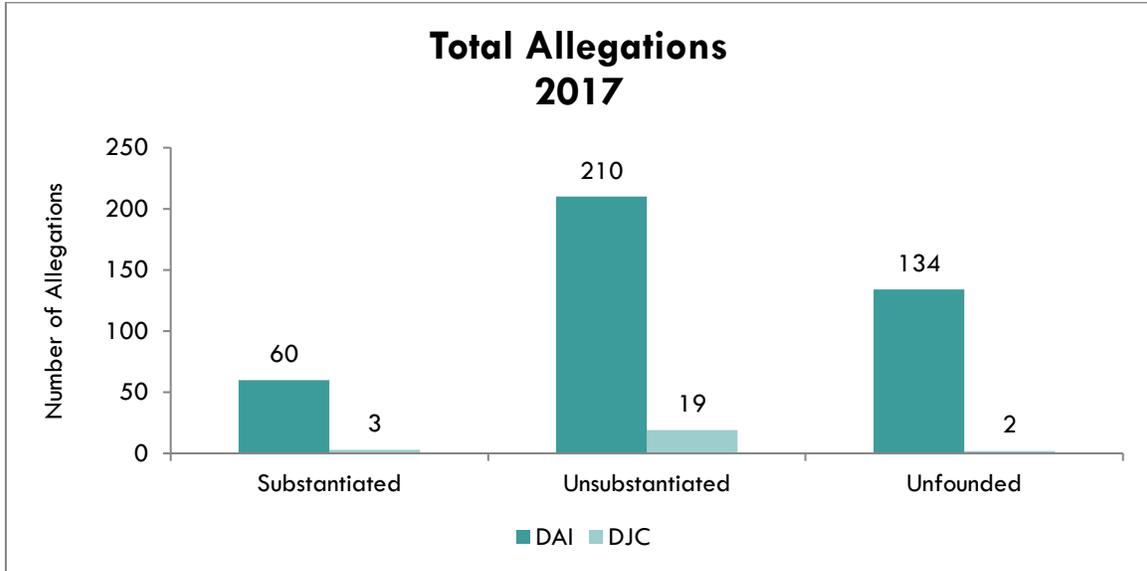
Facility accomplishments and corrective action during 2017 include:

- Modified physical plant (i.e. windows, mirrored bubbles, office/bathroom structures) for greater visibility;
- Adapted (i.e. curtains, privacy film, remodeled physical structure) showering areas for greater privacy between inmates and to prevent cross-gender staff viewing;
- Opened or removed window coverings and/or doors from closets, offices, rooms, and hallways;
- Modified traffic patterns and movement schedules;
- Installed additional locking mechanisms on doors and outbuildings;
- Adjusted camera angles, increased video recording retention periods and installed new cameras;
- Obscured camera views of toileting areas in observation and restrictive housing cells;
- Implemented staff-worn body cameras;
- Installed cross-gender alert tones and visual notifications;
- Identified a process to consistently administer and document risk screenings and offender education;
- Adjusted property allowances and identified housing options for transgender inmates;
- Incorporated incident and compliance reviews into multidisciplinary team meetings;
- Added telephones and access to telephones to report sexual abuse and sexual harassment; and
- Formalized opposite gender announcing procedure.

2017 SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

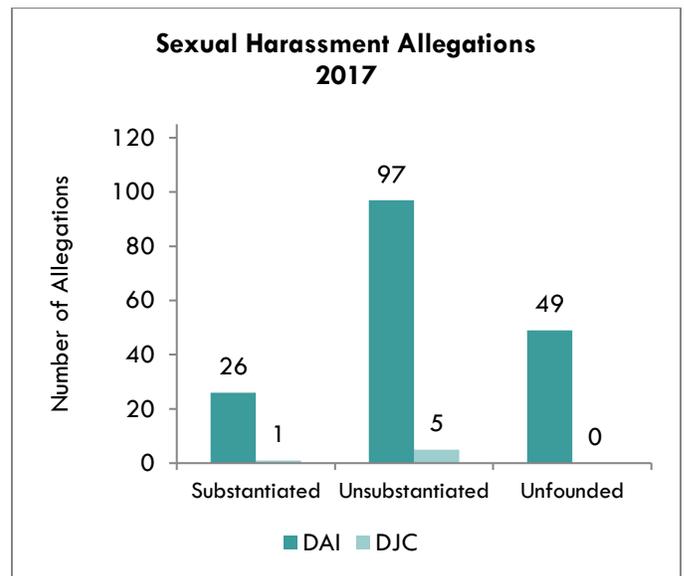
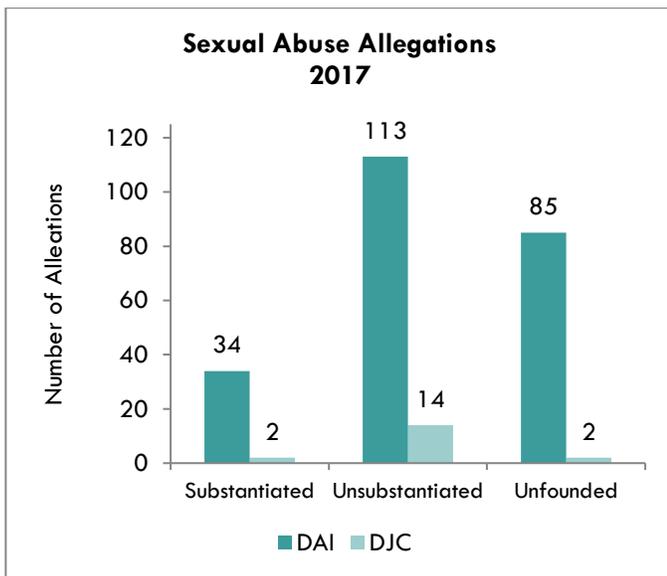
TOTAL 2017 ALLEGATIONS

In calendar year 2017 there were 428 allegations of sexual abuse or sexual harassment reported, as defined under PREA, within Division of Adult Institutions (DAI) and Division of Juvenile Corrections (DJC). The total number of allegations by disposition are:



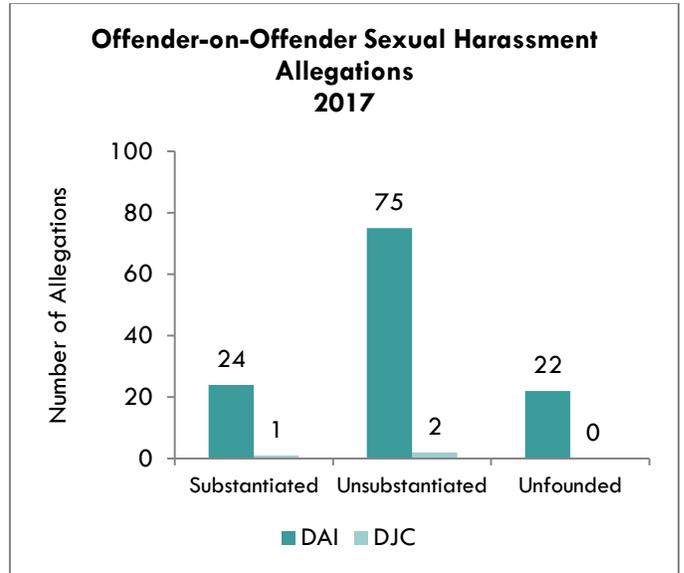
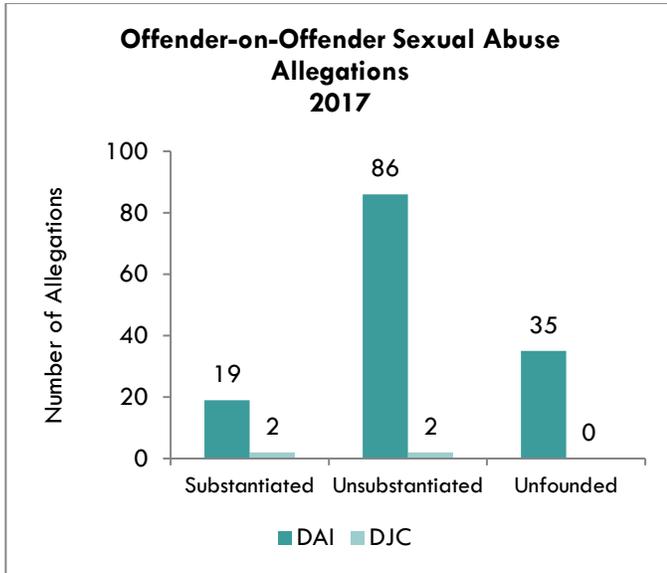
TOTAL SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

The following two graphs illustrate the reported incidents of alleged sexual abuse and alleged sexual harassment, by disposition and division, in 2017. Please note, when an incident involves both abuse and harassment, each type of misconduct is tracked as a separate allegation.



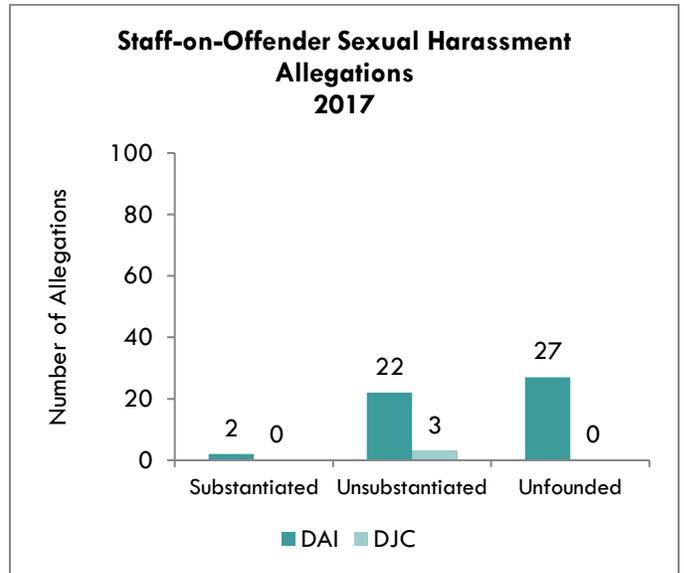
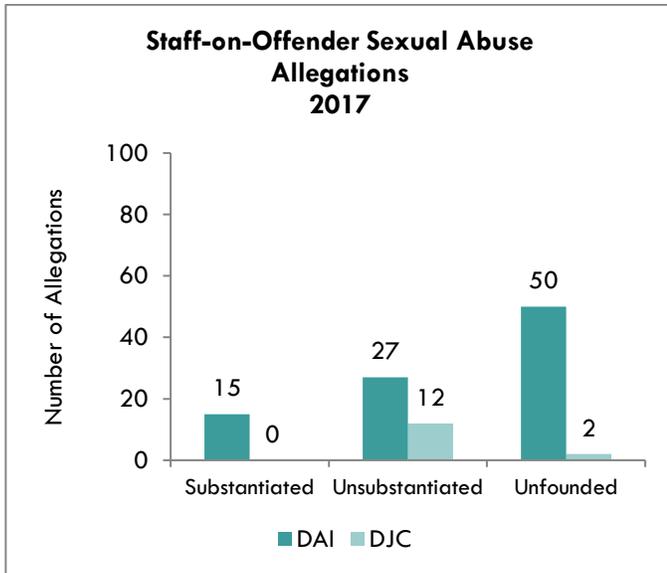
OFFENDER-ON-OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

The following two graphs illustrate the reported incidents of alleged offender-on-offender sexual abuse and alleged offender-on-offender sexual harassment, by disposition and division, in 2017.



STAFF-ON-OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

The following two graphs illustrate the reported incidents of alleged staff-on-offender sexual abuse and alleged staff-on-offender sexual harassment, by disposition and division, in 2017.



SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS BY FACILITY

The following two tables illustrate the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and facility, in 2017.

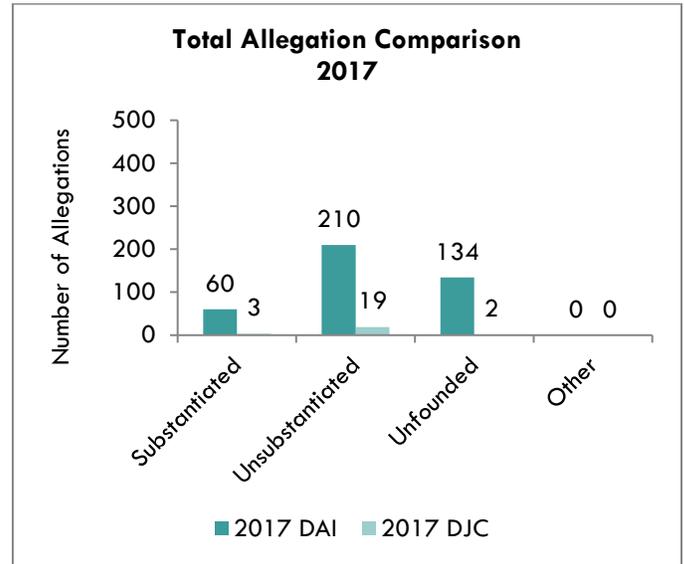
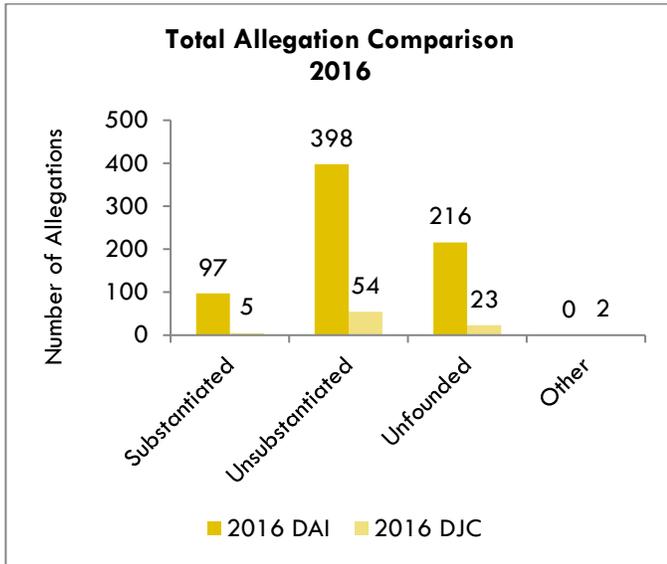
| 2017 Total Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations By Facility and Disposition | | | | |
|---|------------|---------------|-----------------|-----------|
| Facility | Total | Substantiated | Unsubstantiated | Unfounded |
| Black River Correction Center | 0 | 0 | 0 | 0 |
| Chippewa Valley Correctional Treatment Facility | 3 | 0 | 0 | 3 |
| Columbia Correctional Institution | 9 | 0 | 8 | 1 |
| Dodge Correctional Institution | 33 | 3 | 26 | 4 |
| Drug Abuse Correctional Center | 1 | 1 | 0 | 0 |
| Ethan Allen School ³ | 0 | 0 | 0 | 0 |
| Felmers O. Chaney Correctional Center | 0 | 0 | 0 | 0 |
| Flambeau Correctional Center | 0 | 0 | 0 | 0 |
| Fox Lake Correctional Institution | 13 | 0 | 6 | 7 |
| Gordon Correctional Center | 0 | 0 | 0 | 0 |
| Green Bay Correctional Institution | 17 | 3 | 5 | 9 |
| Grow Academy ⁴ | 0 | 0 | 0 | 0 |
| Jackson Correctional Institution | 18 | 4 | 12 | 2 |
| John C. Burke Correctional Center | 1 | 1 | 0 | 0 |
| Kenosha Correctional Center | 0 | 0 | 0 | 0 |
| Kettle Moraine Correctional Institution | 6 | 0 | 5 | 1 |
| Lincoln Hills/Copper Lake School ⁴ | 7 | 3 | 4 | 0 |
| Marshall E. Sherrer Correctional Center | 0 | 0 | 0 | 0 |
| McNaughton Correctional Center | 0 | 0 | 0 | 0 |
| Milwaukee Secure Detention Facility | 11 | 2 | 9 | 0 |
| Milwaukee Women's Correctional Center | 2 | 1 | 1 | 0 |
| New Lisbon Correctional Institution | 6 | 1 | 3 | 2 |
| Oakhill Correctional Institution | 2 | 1 | 1 | 0 |
| Oregon Correctional Center | 0 | 0 | 0 | 0 |
| Oshkosh Correctional Institution | 20 | 8 | 9 | 3 |
| Prairie du Chien Correctional Institution | 1 | 0 | 1 | 0 |
| Racine Correctional Institution/ Sturtevant Transitional Facility | 16 | 4 | 12 | 0 |
| Racine Youthful Offender Correctional Facility | 10 | 2 | 8 | 0 |
| Red Granite Correctional Institution | 13 | 0 | 11 | 2 |
| Robert E. Ellsworth Correctional Center | 2 | 1 | 1 | 0 |
| Sanger B. Powers Correctional Center | 0 | 0 | 0 | 0 |
| St. Croix Correctional Center | 1 | 1 | 0 | 0 |
| Stanley Correctional Institution | 17 | 1 | 14 | 2 |
| Taycheedah Correctional Institution | 18 | 4 | 9 | 5 |
| Thompson Correctional Center | 0 | 0 | 0 | 0 |
| Waupun Correctional Institution | 20 | 2 | 11 | 7 |
| Winnebago Correctional Center | 2 | 1 | 1 | 0 |
| Wisconsin Resource Center ⁵ | 11 | 2 | 5 | 4 |
| Wisconsin Secure Program Facility | 8 | 0 | 3 | 5 |
| Total | 268 | 46 | 165 | 57 |

| 2017 Total Staff-on-Inmate Sexual Abuse and Sexual Harassment Allegations By Facility and Disposition | | | | |
|--|------------|---------------|-----------------|-----------|
| Facility | Total | Substantiated | Unsubstantiated | Unfounded |
| Black River Correction Center | 0 | 0 | 0 | 0 |
| Chippewa Valley Correctional Treatment Facility | 0 | 0 | 0 | 0 |
| Columbia Correctional Institution | 2 | 0 | 1 | 1 |
| Dodge Correctional Institution | 8 | 0 | 4 | 4 |
| Drug Abuse Correctional Center | 0 | 0 | 0 | 0 |
| Ethan Allen School ³ | 4 | 0 | 4 | 0 |
| Felmers O. Chaney Correctional Center | 0 | 0 | 0 | 0 |
| Flambeau Correctional Center | 0 | 0 | 0 | 0 |
| Fox Lake Correctional Institution | 6 | 0 | 4 | 2 |
| Gordon Correctional Center | 0 | 0 | 0 | 0 |
| Green Bay Correctional Institution | 7 | 0 | 1 | 6 |
| Grow Academy ⁴ | 2 | 0 | 2 | 0 |
| Jackson Correctional Institution | 1 | 0 | 0 | 1 |
| John C. Burke Correctional Center | 0 | 0 | 0 | 0 |
| Kenosha Correctional Center | 0 | 0 | 0 | 0 |
| Kettle Moraine Correctional Institution | 6 | 2 | 2 | 2 |
| Lincoln Hills/Copper Lake School ⁴ | 11 | 0 | 9 | 2 |
| Marshall E. Sherrer Correctional Center | 0 | 0 | 0 | 0 |
| McNaughton Correctional Center | 0 | 0 | 0 | 0 |
| Milwaukee Secure Detention Facility | 3 | 0 | 2 | 1 |
| Milwaukee Women's Correctional Center | 0 | 0 | 0 | 0 |
| New Lisbon Correctional Institution | 3 | 0 | 1 | 2 |
| Oakhill Correctional Institution | 2 | 1 | 0 | 1 |
| Oregon Correctional Center | 0 | 0 | 0 | 0 |
| Oshkosh Correctional Institution | 6 | 1 | 0 | 5 |
| Prairie du Chien Correctional Institution | 1 | 0 | 0 | 1 |
| Racine Correctional Institution/ Sturtevant Transitional Facility | 12 | 2 | 2 | 8 |
| Racine Youthful Offender Correctional Facility | 2 | 0 | 0 | 2 |
| Red Granite Correctional Institution | 2 | 1 | 1 | 0 |
| Robert E. Ellsworth Correctional Center | 4 | 3 | 0 | 1 |
| Sanger B. Powers Correctional Center | 0 | 0 | 0 | 0 |
| St. Croix Correctional Center | 0 | 0 | 0 | 0 |
| Stanley Correctional Institution | 10 | 5 | 4 | 1 |
| Taycheedah Correctional Institution | 4 | 1 | 3 | 0 |
| Thompson Correctional Center | 0 | 0 | 0 | 0 |
| Waupun Correctional Institution | 42 | 1 | 19 | 22 |
| Winnebago Correctional Center | 0 | 0 | 0 | 0 |
| Wisconsin Resource Center ⁵ | 3 | 0 | 2 | 1 |
| Wisconsin Secure Program Facility | 19 | 0 | 3 | 16 |
| Total | 160 | 17 | 64 | 79 |

ANNUAL COMPARISON DATA

TOTAL ALLEGATIONS 2017 TO PREVIOUS YEAR⁶

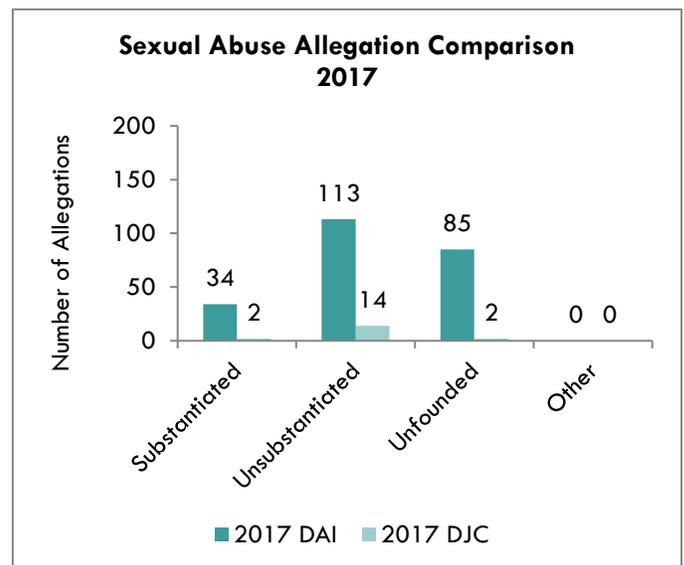
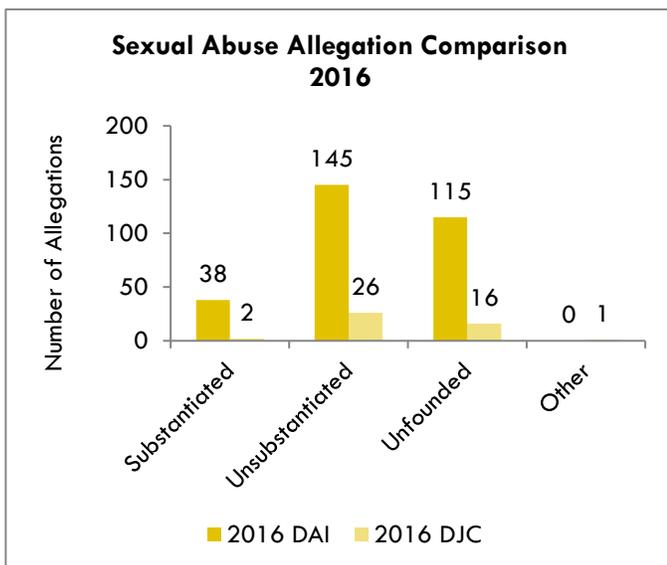
The following graph compares the total number of sexual abuse and sexual harassment allegations, by disposition and division, from 2017 to previous year data.



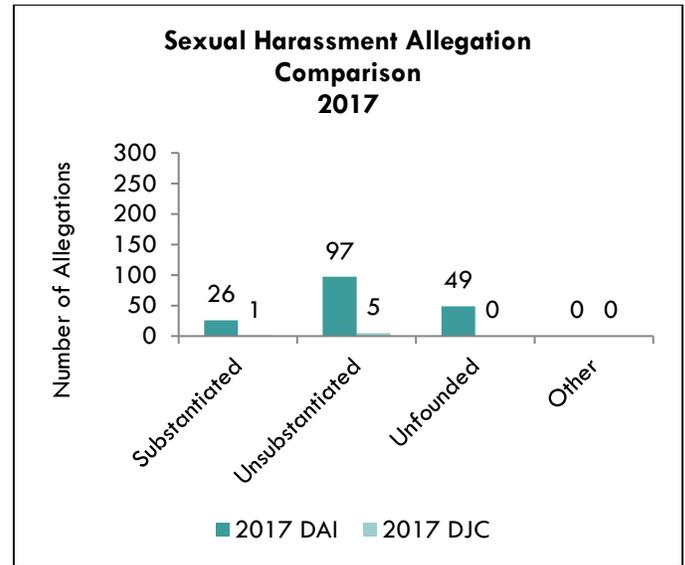
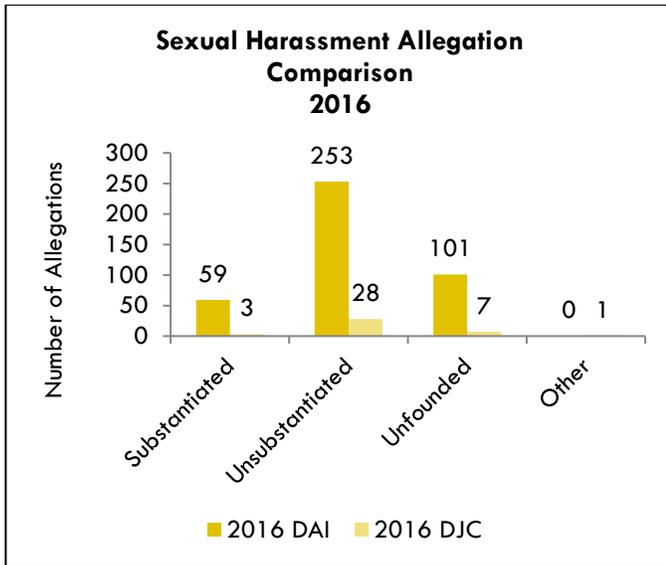
| CHANGES IN TOTAL ALLEGATIONS (2016 TO 2017) | | |
|---|------|-----|
| | DAI | DJC |
| Substantiated | -37 | -2 |
| Unsubstantiated | -188 | -35 |
| Unfounded | -82 | -21 |
| Other ⁷ | 0 | -2 |

2017 TO PREVIOUS YEAR ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

The following two graphs compares the total number of sexual abuse and sexual harassment allegations, by disposition and division, from 2017 to previous year data.



| CHANGES IN SEXUAL ABUSE ALLEGATIONS (2016 TO 2017) | | |
|---|-----|-----|
| | DAI | DJC |
| Substantiated | -4 | 0 |
| Unsubstantiated | -32 | -12 |
| Unfounded | -30 | -14 |
| Other ⁷ | 0 | -1 |



| CHANGES IN SEXUAL HARASSMENT ALLEGATIONS (2016 TO 2017) | | |
|--|------|-----|
| | DAI | DJC |
| Substantiated | -33 | -2 |
| Unsubstantiated | -156 | -23 |
| Unfounded | -52 | -7 |
| Other ⁷ | 0 | -1 |

DISCUSSION

In 2017, WI DOC saw a 54% decline in sexual abuse and sexual harassment allegations. In addition to the impact of prevention and compliance efforts described in the Agency and Facility Achievements section, a great deal of the change is attributed to a shift in the agency’s data collection method. Specifically, in 2017, the agency analyzed the types of reports received in previous years and learned that a significant number did not meet the definition of sexual abuse or sexual harassment as defined by the standards. While these complaints warranted review and response, they did not require the type of response the standards set forth. To preserve confidence in the sexual abuse reporting system, staff resources, and data integrity, the agency moved away from automatically classifying all reports of sexual misconduct as sexual abuse or sexual harassment and, instead, categorized reports as sexual abuse or sexual harassment only if the reporter’s initial report met the definition of either or both.

LOOKING FORWARD

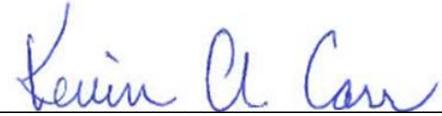
In 2017, the Wisconsin Department of Corrections made comprehensive strides towards meeting each PREA standard. The agency’s summary of annual achievements serves as evidence of this effort. Agency and facility solutions alike strengthened the foundation of compliance this year; all of which prepared the agency and facilities for external PREA audits.

Looking forward, the agency anticipates building on this momentum by:

- Testing and implementing an integrated investigation tracking database;
- Continuing participation in a multi-state circular auditing consortium;

- Training additional sexual abuse and sexual harassment investigators;
- Updating the volunteer and contractor training curriculum;
- Developing an accompaniment manual for staff tasked with supporting offenders following sexual abuse;
- Hosting a PREA Compliance Workshop;
- Implementing child abuse background checks;
- Monitoring contracts for PREA compliance; and
- Updating and creating policy where applicable.

These action items, in concert with the Wisconsin Department of Correction's commitment to zero tolerance will improve our ability to prevent, detect, and respond to sexual abuse and sexual harassment in our confinement facilities.



Kevin A. Carr
Secretary

Wisconsin Department of Corrections

¹ Inmates and youth are collectively referred to herein as "offenders," unless noted, at which time they will be referred to as inmate or youth.

² Staff, contractors, and volunteers are referred to herein as "staff" or "staff members."

³ Ethan Allen School closed in 2011. Alleged incidents of sexual abuse or sexual harassment reflected in the table occurred while the facility was operational; the allegations were received and investigated in 2017.

⁴ Denotes a youth facility managed by WI DOC Division of Juvenile Corrections. The remaining facilities are adult facilities managed by WI DOC Division of Adult Institutions.

⁵ Denotes an adult facility managed by Wisconsin Department of Health Services. This facility services WI DOC inmates and is, in part, staffed by WI DOC security staff.

⁶ Please note, 2016 data (total and by disposition) referenced in this report (pp. 10-11) is slightly different than the figures published in the preceding WI DOC Annual Report (2016). Ongoing investigations at 2016 year-end have since been closed; these allegations were moved from the "Other" category and given a proper disposition.

⁷ "Other" captures allegations that remain under administrative investigation as of this report's publication.